

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMMIE YERKS,

Plaintiff,

v.

SANDRA MCARDLE, et al.,

Defendants.

ORDER

19-cv-595-wmc

On July 29, 2019, I entered an order assessing plaintiff Jammie Yerks an initial partial payment of the filing fee in the amount of \$126.75 due by August 19, 2019. Now plaintiff filed a motion to use his release account funds to pay the \$126.75 initial partial payment. Dkt. 13.

Pursuant to 28 U.S.C. § 1915(b)(1), prison officials are required to use a prisoner's release account to satisfy an initial partial payment if no other funds are available. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). Therefore, if sufficient funds do not exist in plaintiff's regular account to pay the \$126.75 plaintiff has been assessed as an initial partial payment, he can use his release account to pay the initial partial payment balance.

ORDER

IT IS ORDERED that:

1. Plaintiff Jammie Yerks's motion for to use his release account funds to pay the \$126.75 initial partial payment, dkt. 13, is GRANTED. If plaintiff does not have sufficient funds available in his regular account, plaintiff is allowed to use his release account to pay the initial partial payment balance. Plaintiff may have until August 28, 2019, in which to submit a check or money order payable to the clerk of court in the amount of \$126.75.

2. If by August 28, 2019, plaintiff fails to make the initial partial payment or show cause for failure to do so, plaintiff will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to plaintiff filing this case at a later date.

Entered this 6th day of August, 2019.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge